

November 3, 1989

SSP

CLASS

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Mr. Tom Clancy  
Post Office Box 800  
Huntingtown, Maryland 20639-0800

Dear Tom:

This letter is to provide you with what research I was able to have done concerning the "Death Sentence--1881," which you gave me when I visited with you at your residence. I am enclosing a copy of that sentence, together with a copy of a Baltimore Sun news article in their October 7, 1989, edition concerning this same death sentence, for your reference.

Although the copy you gave me indicates that it was handed down by the Honorable Judge Roy Bean, the news article indicates it was handed down by Judge Isaac Parker in 1882 (instead of the 1881 sentence attributed to Judge Bean). I did not initially believe that it was something Judge Roy Bean would have done, and it seemed more logical to me that it might have been done by Judge Parker who was referred to as the "hanging judge" from Fort Smith, Arkansas. I indicated that we might check this with the law clerk of Judge Morris Arnold, U.S. District Judge in Fort Smith, Arkansas, who is an expert on Judge Parker.

In the interim, I am advised that research was done through the Department of Justice Law Library, and their librarians were very interested in the opinion and made every effort possible to try to locate it. They, however, were not able to locate the opinion in any of their computers, data bases, or old law books. They then called [redacted] historian with the New Mexico Archival Library, to see if [redacted] had any information on the opinion as it was allegedly written in the U.S. District Court for the New Mexico Territorial Sessions, Taos, New Mexico.

JAH:aeb

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102-122725-1

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FILED	4:15 p.m.
DATE	11/3/89
BY	agk

FBI/DOJ

Mr. Tom Clancy

I am advised that [redacted] provided the following information in response to those inquiries:

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Their New Mexico Archival Library has a thick file of requests for this "sentence" dating back to 1977. The file indicates that it has been researched and determined to be folklore or from a novel, as best they can determine, and that is what they tell all requesters for this "sentence." The file further indicates that the Chief Justice of the New Mexico Territories in 1881-82, who would have handed down death sentences, was L. Bradford Prince, and that Bradford Prince was a church-going man who would not have used the language in the "sentence" in public. Their records indicate they have a list of all persons executed pursuant to death sentences in New Mexico in the 1880s and Jose Gonzales is not one of those. Finally, their records indicate that Judge Roy Bean was on the Federal bench in the 1860s, too early to have rendered his opinion in 1881 or even 1882; and that Judge Isaac Parker was on the Federal bench later in the 1880s, too late to have rendered this opinion in 1881 or 1882.

In view of the information from [redacted] I did not have Judge Arnold's law clerk contacted concerning Judge Parker. The information from New Mexico seemed fairly compelling.

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Needless to say, this is an interesting subject that a lot of people enjoyed checking on and hearing the results.

Thanks again for bringing it to my attention. It was good to see you on Tuesday, and I thank you again for your many kindnesses.

Sincerely,

William S. Sessions  
Director

Enclosures - 2

*Death Sentence -- 1881*

*"José Manuel Miguel Xavier Gonzales, in a few short weeks it will be spring, the snows of winter will flee away, the ice will vanish, and the air will become soft and balmy, in short, José Manuel Miguel Xavier Gonzales, the annual miracle of the years will awaken and come to pass, but you won't be there.*

*"The rivulet will run its soaring course to the sea, the timid desert flowers will put forth their tender shoots, the glorious valleys of this imperial domain will blossom as the rose, still, you won't be there to see.*

*"From every treetop some wild woods songster will carol his mating song, butterflies will sport in the sunshine, the busy bee will hum happily as it pursues its accustomed vocation. The gentle breeze will tease the tassels of the wild grasses, and all nature, José Manuel Miguel Xavier Gonzales, will be glad, but you, you won't be here to enjoy it because I command the sheriff or some other officers of this country to lead you to some remote spot, swing you by the neck from a knotting bough of some sturdy oak; and let you hang until you are dead.*

*"And then, José Manuel Miguel Xavier Gonzales, I further command that such officer or officers retire quickly from your dangling corpse, that vultures may descend from the heavens upon your filthy body until nothing shall remain but bare, bleached bones of a cold-blooded, copper-colored, blood-thirsty, throat-cutting, chili-eating, sheep-herding, murdering son-of-a-bitch."*

*United States of America v. Gonzales (1881), United States District Court, New Mexico Territorial Sessions, Taos, New Mexico.*

*The Honorable Judge Roy Bean  
United States Judge*

*62 100-1*

# Hispanic drug agents claim bias

## Advance called slow despite skills in field

By Mark Matthews  
Washington Bureau of The Sun

WASHINGTON — In undercover drug probes, Hispanic agents are indispensable.

Their heritage and language skills allow them to penetrate U.S. and overseas drug gangs led by Colombians, Dominicans and Mexicans, work the streets, translate wiretaped telephone conversations and find and raid narcotics labs.

One result, Hispanics at the Drug Enforcement Administration claim, is that they are shot at and killed in disproportionate numbers.

But when it comes to directing major investigations and setting policy, the agents claim, they are regularly and unfairly passed over in favor of "Anglos" who have spent more years behind desks acquiring administrative skills and massaging the executive "buddy" system.

Now, as federal law-enforcement agencies prepare for an ever-greater assault on the drug trade, particularly against Colombian-dominated cocaine cartels and their networks in the United States, long-simmering resentment among many Hispanics in the front lines continues to undercut morale.

"One way to counter the image of all of us out there selling cocaine is to have a high-level [Hispanic] fighting the people who are selling the cocaine," says one DEA agent.

Suits charging discrimination against Hispanic agents are slowly moving forward against the DEA and the Customs Service, which also is heavily involved in drug interdiction.

Both agencies deny any discrimination or violations of laws and government regulations.

"We believe that we are complying with the government's rules and regulations on hiring and promotions," said Customs spokesman Edward L. Kittredge. "We believe that we do not discriminate in any manner."

DEA spokesman Frank Shultz said the agency has a policy of not commenting on pending litigation, but said the agency is "diligent" in recruiting, hiring and promoting mi-

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The Christian Science Monitor \_\_\_\_\_  
USA Today \_\_\_\_\_  
Baltimore Sun A-1 \_\_\_\_\_  
Date 10/7/89 \_\_\_\_\_

## DRUGS, from 1A

norities, and probably does a better job than most.

Meanwhile, activism is growing among Hispanics at other federal law-enforcement agencies — the U.S. Border Patrol, U.S. Marshals' Service, Bureau of Alcohol, Tobacco and Firearms and Secret Service — with the possibility of more lawsuits against these agencies, attorneys for Hispanic agents say.

"We've been contacted by [officers from] virtually every federal law-enforcement agency," says Antonio V. Silva of El Paso, Texas, co-counsel in Hispanics' successful class-action case against the FBI, a case that was decided last year. "Virtually every one of these is a potential class action."

Hugo Rodriguez of Miami, the other co-counsel in the FBI case, says the groundwork is being laid through the administrative-hearing process for a class action against the Marshals Service.

Grievances are being pursued informally at the Secret Service and its uniformed division, but could later result in legal action, Mr. Rodriguez said.

At the Border Patrol, another key drug-war agency where 29 discrimination complaints have been filed by Hispanics over the last five years, agents are discussing whether to take broader action, a well-placed source said.

Hispanics represent 35.6 percent of the

Border Patrol, 10.6 percent of the Customs Service, 8.7 percent of the DEA and 4.8 percent of the Marshals Service.

The DEA suit, filed in U.S. District Court in 1985 and now in a renewed pre-trial "discovery" stage, coincides with continued dissatisfaction among blacks at the agency over action to correct problems brought out in their own successful lawsuit against DEA in the early 1980s.

Carl L. Jackson, chairman of an equal employment opportunity monitoring committee set up as a result of the suit, charged in a July memo to administrator Jack Lawn that the DEA "has continued to employ a discriminatory promotion system."

"It appears that facing up to the reality of discrimination in DEA is unacceptable," wrote Mr. Jackson.

At the FBI, which was found by a federal judge last September to have systematically discriminated against Hispanic agents in promotions and working conditions and to have retaliated illegally against one of them, reforms have yet to make a dent, one congressional watchdog charges.

"FBI agents tell me nothing's happened," said Representative Esteban E. Torres, D-Calif., who said changes undertaken so far are "very cosmetic."

Milt Ahlerich, a bureau spokesman, said the FBI was "completely in compliance" with remedies ordered by U.S. District Judge Lucius D. Bunton. These involved no back pay

or other remuneration, but rather "programmatic changes, which have been accomplished — and then some," he said.

He noted that FBI Director William Sessions recently advised against appealing the court ruling and at the same time said it is "imperative . . . that both employees and the public have confidence that racism and discrimination do not exist in the FBI."

The FBI lawsuit has encouraged Hispanics in other agencies to combat what an ex-Senate Judiciary Committee staffer who examined their grievances said "appears to be a systemic problem throughout [U.S.] law-enforcement agencies."

"The FBI opened the door," said Mr. Silva, predicting that "in the decade of the '90s, you're going to see many, many lawsuits brought by Hispanic organizations against federal employers."

But this course is lengthy and expensive. Mr. Rodriguez said costs for mounting a class-action complaint against a federal agency can run to \$1 million, exclusive of legal fees.

"We don't have that kind of budget — not even close," says Amy E. Wind, attorney for the Hispanic DEA agents.

Not all Hispanic law-enforcement officers complain of unfair treatment.

Two Border Patrol supervisors who are Hispanic said in recent interviews that they had been promoted rapidly and fairly. Felix Jiminez, the Puerto Rican native who is

chief of the DEA's Latin American section, was quoted by *Hispanic* magazine in April as saying "I've never felt like I've been discriminated against."

But the 17 Customs agents and others at DEA whose cases are now pending say otherwise, reciting grievances echoed by Hispanics elsewhere.

At both agencies, they say, Hispanics are used so heavily for undercover and translation work that they don't get the chance to direct investigations or acquire administrative skills.

At promotion time, their failure to demonstrate "leadership" is held against them, but they don't get credit for the undercover and wiretapping work, they say.

Jesus Muniz, initially the sole plaintiff against DEA, alleges in a court affidavit that when he was assigned to the agency's San Diego office from 1974 to 1978, "It was only through my own initiative in developing several key informants that I managed to initiate a few major investigations which, by virtue of my early involvement, I was permitted to see through to completion."

At the DEA, the agents say they are also used excessively in temporary-duty assignments, often involving violence. More than 25 percent of agents shot or killed are Hispanic, they say.

They add that Enrique Camarena, the DEA special agent kidnapped and killed in Mexico in 1985, was an early contributor to

the legal fund for the lawsuit.

Often, Hispanics say, they are kept in cities and regions with large Hispanic populations and not brought to headquarters in Washington, thus losing the chance to form relationships with top managers that often lead to promotions.

Customs agents say that the agency's commissioner "actively sought to reduce the number of Hispanic employees at upper management levels."

At the DEA, "the prevalent attitude is that Hispanics are hired exclusively for undercover work," an attitude they compare to being treated as "field hands."

This attitude can take crude forms, they maintain. DEA Hispanics speak of being referred to by the derogatory name "Julios," and cite as potential court evidence a photocopy of an 1882 federal court death sentence issued in the southwestern United States against one Jose Manuel Gonzales that appeared, source unknown, on a Washington DEA headquarters bulletin board.

In a corrosive bit of poetry accompanying the century-old sentence, District Judge Isaac Parker commanded that after the hanging, "the vultures may descend from the heavens upon your filthy body and pick the putrid flesh therefrom till nothing remain but the bare, bleached bones of a cold-blooded, copper-colored, bloodthirsty, chili-eating, guilty, sheepherding, Mexican son-of-a-bitch."

SSP

CLASS  
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SR  
REC

March 1, 1990

Mr. Tom Clancy  
Post Office Box 800  
Huntington, Maryland 20639-0800

Dear Tom:

I thoroughly enjoyed talking with you at dinner and at the premiere of "The Hunt for Red October."

I am also very pleased you can speak as part of our Distinguished Lecturer Series on May 7 at 11 a.m. at the J. Edgar Hoover F.B.I. Building. As [redacted] may have told you, our series is designed to broaden the Headquarters' tour of duty of Special Agents in the senior and executive ranks of the Bureau.

Following your remarks, I do hope you can join me for lunch.

Sincerely,

William S. Sessions  
Director

- 1 - Mr. Clarke  
1 - Mr. Revell  
1 - Mr. Otto  
1 - Mr. Baker  
1 - Mr. Davenport  
1 - Mr. W. Johnson  
1 - Mr. [redacted]  
1 - Mr. Moran  
1 - Mr. Carter  
1 - [redacted]  
1 - [redacted]  
1 - Mr. McCarron

APPROVED:

Director  
Dep. Dir.  
ADD-Adm.  
ADD-Inv.

Adm. Servs. \_\_\_\_\_ Legal Coun. \_\_\_\_\_ Off. of Liaison  
Crim. Inv. \_\_\_\_\_ Rec. Mgnt. \_\_\_\_\_ & Int. Affs.  
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Intell. \_\_\_\_\_ Cong. Affs. Chf. \_\_\_\_\_  
Laboratory \_\_\_\_\_ EEO \_\_\_\_\_

Note: The Director approved Mr. CLANCY as guest, and this letter coordinated with SSA [redacted] CID, and [redacted] SSA [redacted] knows him and will coordinate with OPA arranging Mr. CLANCY's visit.

DJM:dpm (14)

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Off. of Public Affs. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_ MAIL ROOM ☐

Return to [redacted]

FBI/DOJ

SSP  
CLASS  
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June 7, 1991

Mr. Tom Clancy  
Post Office Box 800  
Huntingtown, Maryland 20639-0800

Dear Tom:

At the end of this month I will have the pleasure of hosting the Federal Bureau of Investigation [redacted] Senior Executive Retreat. This conference is held every two years and offers a relaxed environment in which the senior executives of both agencies may discuss common issues and forge cooperative directives for future law enforcement initiatives.

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I would like to invite you to participate in the retreat by joining us for dinner at the FBI Training Academy, Quantico, Virginia, on the evening of June 26, 1991, in the Executive Dining Room at 7:00 p.m. My guests and I would be most appreciative if you could give an informal talk following dinner.

Many thanks for your continued friendship and support of the FBI.

Sincerely,

62-122725-3

William S. Sessions  
Director

USS  
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Dep. Dir. 1 - Mr. Clarke  
ADD Adm. 1 - Mr. Gow  
ADD Inv. 1 - Mr. Guido  
Asst. Dir.: 1 - Mr. Pimentel  
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Director's Sec'y 1 -

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Date 6/17

DIRECTOR/EAD

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FBI/DOJ